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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.  
23  
**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
OPPOSITION TO DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S PRECIS IN  
SUPPORT OF REQUEST TO FILE  
MOTION IN LIMINE TO EXCLUDE  
TESTIMONY AND OPINIONS OF  
WAYMO EXPERT LAMBERTUS  
HESSELINK ON TS 25**

24 UBER TECHNOLOGIES, INC.;  
25 OTTOMOTTO LLC; OTTO TRUCKING  
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully  
 2 requests to file under seal portions of its Opposition to Defendants Uber Technologies, Inc. and  
 3 Ottomotto LLC’s Precis in Support of Request to File Motion in Limine to Exclude Testimony  
 4 and Opinions of Waymo Expert Lambertus Hesselink on TS 25 (“Waymo’s Opposition”).  
 5 Specifically, Waymo requests an order granting leave to file under seal the portions of the  
 6 documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Opposition	Highlighted Portions	Waymo (green highlighting); Defendants (blue highlighting)

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12 **I. LEGAL STANDARD**

13 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or  
 14 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under  
 15 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored  
 16 to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials  
 17 may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good  
 18 cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*,  
 19 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331  
 20 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

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22 **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

23 The Court should seal the portions of Waymo’s Opposition (highlighted green) identified by  
 24 Waymo in the table above. Waymo seeks to file this information under seal because it discloses  
 25 Waymo’s trade secrets and confidential business information. *See* Declaration of Felipe Corredor  
 26 (“Corredor Decl.”) ¶¶ 3-5. Courts have determined that trade secret information merits sealing.  
 27 *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL 3993147, at \*1  
 28 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys.*,

1 *Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013)  
 2 (granting request to seal document that “consists entirely of descriptions of Brocade’s trade secrets”).  
 3 Confidential business information that, if released, may “harm a litigant’s competitive standing” also  
 4 merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to  
 5 seal trade secrets that fit squarely within these categories. Corredor Decl. ¶¶ 3-5. Waymo maintains  
 6 this information as a trade secret (*see* Dkt. 25-31) and ensures the information remains secret with  
 7 strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *See* Corredor Decl. ¶ 4. Waymo  
 8 has narrowly tailored its requests to only information meriting sealing. *Id.* ¶ 5. In fact, both *Music*  
 9 *Group* and *Brocade* found the confidential information at issue in those cases met the heightened  
 10 “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL  
 11 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also meets this heightened  
 12 standard. The disclosure of Waymo’s trade secret information would harm Waymo. Corredor Decl.  
 13 ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with other  
 14 administrative motions to seal that have already been granted by the Court in this case. (*See, e.g.*, Dkt.  
 15 416, 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative motion to seal.

16 **III. DEFENDANTS’ CONFIDENTIAL INFORMATION**

17 Waymo only seeks to seal the portions of Waymo’s Opposition identified as designated by  
 18 Defendants in the table above because Waymo believes such information is considered confidential or  
 19 non-public by Defendants. Corredor Decl. ¶ 6. Waymo takes no position as to the merits of sealing  
 20 any of designated material, and expects Defendants to file declarations in accordance with the Local  
 21 Rules.

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1 **IV. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under  
5 seal.

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7 DATED: November 13, 2017

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8 LLP

9 By /s/ Charles Verhoeven

10 Charles Verhoeven  
11 Attorneys for WAYMO LLC

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